



1Fw/B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of ) Examiner: Kathleen M. Kerr  
Peter F. Leadlay et al. ) Art Unit: 1652  
Serial No. 09/214,453 ✓ )  
Filed: October 25, 1999 )  
For: "Polyketides and Their )  
Synthesis" )

-----  
Suite 2400  
1601 Market Street  
Philadelphia, PA 19103  
(215) 563-4100 (telephone)  
(215) 563-4044 (facsimile)  
Our File No. 0380-P02546USO  
-----

**Certificate of Mailing Under 37 C.F.R. §1.8(a):**

I hereby certify that this correspondence is being deposited on November 12, 2004 with the United States Postal Service as first-class mail in an envelope properly addressed to the Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Caren Burgoon

-----  
Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT OF SUBSTANCE OF INTERVIEW**

In an Interview Summary Form attached to the Notice of Allowance dated October 20, 2004, Applicants were given one month from the mailing date of the Interview Summary Form to file a Statement of the Substance of the Interview. This Statement of Substance of Interview is being submitted in accordance with §713.04 of the Manual of Patent Examining Procedure to make of record telephone interviews held between

Examiner Kathleen M. Kerr and the undersigned on or about September 13, and October 13-15, 2004.

An interview was initiated by the undersigned on or about September 13, 2004 for the purpose of clarifying the status of certain claims and discussing proposed claim amendments that might place them in condition for appeal. Regarding independent claim 63, Examiner Kerr indicated that the primary issue preventing its allowance was the new matter rejection. The undersigned agreed to 1) amend claim 63 for purposes of clarity, 2) identify support for claim 63, and 3) discuss the matter further at a later time.

Also on or about September 15, 2004, a draft of claim 63, amended as indicated above, together with an indication of the location of support in the specification for claim 63 was transmitted by the undersigned to Examiner Kerr. An amended version of claim 62 was also presented.

On or about October 13, 2004, a proposed Examiner's Amendment, was transmitted by Examiner Kerr to the undersigned. The proposed Examiner's Amendment set forth claims 25, 27, 31-37, 39, 44, 47-51, 56, 58, 63-66, 70 and 71 in a form that put the application in condition for allowance. A follow-up telephone interview was held on or about October 14, 2004. The latter interview, which was initiated by the undersigned, was for the purpose of discussing the proposed Examiner's Amendment and certain dependent claims not included in the proposed Examiner's Amendment. On or about October 14, 2004, a revised proposed Examiner's Amendment, including the above-noted dependent claims as new claims 72-75 and the location of support in the specification for such new claims, was transmitted by Examiner Kerr to the undersigned.

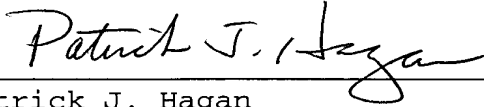
A further follow-up telephone interview was held on or about October 15, 2004. This interview, which was initiated by the undersigned, was for the purpose of

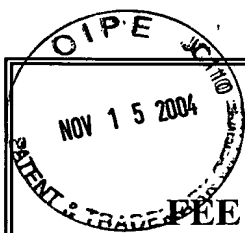
confirming Applicants' acceptance of the revised proposed Examiner's Amendment.

This Statement of Substance of Interview is being filed within one month from the mailing date of the Interview Summary Form, which was attached to the Notice of Allowability dated October 20, 2004.

Respectfully submitted,  
DANN, DORFMAN, HERRELL AND SKILLMAN  
A Professional Corporation

By

  
Patrick J. Hagan  
PTO Registration No. 27,643  
Attorney for Applicants



# FEE TRANSMITTAL

TOT. AMT. OF PAYMENT: (1) + (2) + (3) = \$ 0.00

Complete if known

Application Number: **09/214,453**

Filing Date: **October 25, 1999**

First Named Inventor: **Peter Leadlay, et al.**

Title: **POLYKETIDES AND THEIR SYNTHESIS**

Our File No.: **0380-P01805US0**

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																								
<input checked="" type="checkbox"/> Authorization is hereby granted to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 04-1406. <input checked="" type="checkbox"/> Any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims. <input checked="" type="checkbox"/> Any patent application processing fees under 37 C.F.R. §1.17 Any extensions of time that are required to maintain this application in a pending status, if not included herewith, are hereby requested. Authorization is hereby granted to charge such extension fees to Deposit Account No. 04-1406. Two copies of this transmittal are enclosed for accounting purposes. <input checked="" type="checkbox"/> Payment enclosed: \$ <u>0.00</u>	<b>3. ADDITIONAL FEES</b> <table border="1"><thead><tr><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>Surcharge-late filing fee or oath</td><td>_____</td></tr><tr><td>Surcharge - late provisional filing fee or cover sheet</td><td>_____</td></tr><tr><td>Non-English specification</td><td>_____</td></tr><tr><td>For filing a request for reexamination</td><td>_____</td></tr><tr><td>Requesting publication of SIR prior to Examiner action</td><td>_____</td></tr><tr><td>Requesting publication of SIR after Examiner action</td><td>_____</td></tr><tr><td>Extension for response within first month</td><td>_____</td></tr><tr><td>Extension for response within second month</td><td>_____</td></tr><tr><td>Extension for response within third month</td><td>_____</td></tr><tr><td>Extension for response within fourth month</td><td>_____</td></tr><tr><td>Notice of Appeal</td><td>_____</td></tr><tr><td>Filing a brief in support of an appeal</td><td>_____</td></tr><tr><td>Request for oral hearing</td><td>_____</td></tr><tr><td>Petition to institute a public use proceeding</td><td>_____</td></tr><tr><td>Petition to revive unavoidably abandoned application</td><td>_____</td></tr><tr><td>Petition to revive unintentionally abandoned application</td><td>_____</td></tr><tr><td>Issue fee</td><td>_____</td></tr><tr><td>Advance Order (10 copies)</td><td>_____</td></tr><tr><td>Publication Fee</td><td>_____</td></tr><tr><td>Petitions to the Commissioner</td><td>_____</td></tr><tr><td>Petitions related to provisional applications</td><td>_____</td></tr><tr><td>Submission of Information Disclosure Stmt.</td><td>_____</td></tr><tr><td>Recording each patent assignment per property (times number of properties)</td><td>_____</td></tr><tr><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td>_____</td></tr><tr><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td>_____</td></tr><tr><td>Other fee (specify) _____</td><td>_____</td></tr><tr><td colspan="2"><b>SUBTOTAL (3) \$ _____</b></td></tr></tbody></table>	Fee Description	Fee Paid	Surcharge-late filing fee or oath	_____	Surcharge - late provisional filing fee or cover sheet	_____	Non-English specification	_____	For filing a request for reexamination	_____	Requesting publication of SIR prior to Examiner action	_____	Requesting publication of SIR after Examiner action	_____	Extension for response within first month	_____	Extension for response within second month	_____	Extension for response within third month	_____	Extension for response within fourth month	_____	Notice of Appeal	_____	Filing a brief in support of an appeal	_____	Request for oral hearing	_____	Petition to institute a public use proceeding	_____	Petition to revive unavoidably abandoned application	_____	Petition to revive unintentionally abandoned application	_____	Issue fee	_____	Advance Order (10 copies)	_____	Publication Fee	_____	Petitions to the Commissioner	_____	Petitions related to provisional applications	_____	Submission of Information Disclosure Stmt.	_____	Recording each patent assignment per property (times number of properties)	_____	Filing a submission after final rejection (37 CFR 1.129(a))	_____	For each additional invention to be examined (37 CFR 1.129(b))	_____	Other fee (specify) _____	_____	<b>SUBTOTAL (3) \$ _____</b>	
Fee Description	Fee Paid																																																								
Surcharge-late filing fee or oath	_____																																																								
Surcharge - late provisional filing fee or cover sheet	_____																																																								
Non-English specification	_____																																																								
For filing a request for reexamination	_____																																																								
Requesting publication of SIR prior to Examiner action	_____																																																								
Requesting publication of SIR after Examiner action	_____																																																								
Extension for response within first month	_____																																																								
Extension for response within second month	_____																																																								
Extension for response within third month	_____																																																								
Extension for response within fourth month	_____																																																								
Notice of Appeal	_____																																																								
Filing a brief in support of an appeal	_____																																																								
Request for oral hearing	_____																																																								
Petition to institute a public use proceeding	_____																																																								
Petition to revive unavoidably abandoned application	_____																																																								
Petition to revive unintentionally abandoned application	_____																																																								
Issue fee	_____																																																								
Advance Order (10 copies)	_____																																																								
Publication Fee	_____																																																								
Petitions to the Commissioner	_____																																																								
Petitions related to provisional applications	_____																																																								
Submission of Information Disclosure Stmt.	_____																																																								
Recording each patent assignment per property (times number of properties)	_____																																																								
Filing a submission after final rejection (37 CFR 1.129(a))	_____																																																								
For each additional invention to be examined (37 CFR 1.129(b))	_____																																																								
Other fee (specify) _____	_____																																																								
<b>SUBTOTAL (3) \$ _____</b>																																																									
<b><u>FEE CALCULATION</u></b> <b>1. FILING FEE</b> <table border="1"><thead><tr><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>Utility filing fee</td><td>_____</td></tr><tr><td>Design filing fee</td><td>_____</td></tr><tr><td>Plant filing fee</td><td>_____</td></tr><tr><td>Reissue filing fee</td><td>_____</td></tr><tr><td>Provisional filing fee</td><td>_____</td></tr><tr><td colspan="2"><b>SUBTOTAL (1) \$ _____</b></td></tr></tbody></table>	Fee Description	Fee Paid	Utility filing fee	_____	Design filing fee	_____	Plant filing fee	_____	Reissue filing fee	_____	Provisional filing fee	_____	<b>SUBTOTAL (1) \$ _____</b>																																												
Fee Description	Fee Paid																																																								
Utility filing fee	_____																																																								
Design filing fee	_____																																																								
Plant filing fee	_____																																																								
Reissue filing fee	_____																																																								
Provisional filing fee	_____																																																								
<b>SUBTOTAL (1) \$ _____</b>																																																									
<b>2. CLAIMS</b> <table border="1"><thead><tr><th></th><th>Extra</th><th>Fee</th><th>Fee Paid</th></tr></thead><tbody><tr><td>Total Claims Presented _____ - <u>20</u> = _____ x <u>9.00/18.00</u> = _____ (a)</td><td></td><td></td><td></td></tr><tr><td>Independent Claims Presented _____ - <u>3</u> = _____ x <u>44.00/88.00</u> = _____ (b)</td><td></td><td></td><td></td></tr><tr><td>Multiple Dependent Claim (first presentation) _____ = <u>0</u></td><td></td><td></td><td></td></tr><tr><td colspan="4">(a) Enter 20 or number previously paid for (b) Enter 3 or number previously paid for</td></tr><tr><td colspan="4"><b>SUBTOTAL (2) \$ _____</b></td></tr></tbody></table>		Extra	Fee	Fee Paid	Total Claims Presented _____ - <u>20</u> = _____ x <u>9.00/18.00</u> = _____ (a)				Independent Claims Presented _____ - <u>3</u> = _____ x <u>44.00/88.00</u> = _____ (b)				Multiple Dependent Claim (first presentation) _____ = <u>0</u>				(a) Enter 20 or number previously paid for (b) Enter 3 or number previously paid for				<b>SUBTOTAL (2) \$ _____</b>																																				
	Extra	Fee	Fee Paid																																																						
Total Claims Presented _____ - <u>20</u> = _____ x <u>9.00/18.00</u> = _____ (a)																																																									
Independent Claims Presented _____ - <u>3</u> = _____ x <u>44.00/88.00</u> = _____ (b)																																																									
Multiple Dependent Claim (first presentation) _____ = <u>0</u>																																																									
(a) Enter 20 or number previously paid for (b) Enter 3 or number previously paid for																																																									
<b>SUBTOTAL (2) \$ _____</b>																																																									

Submitted By:

Typed or

Printed Name Patrick J. Hagan Reg. Number 27,643

Signature Patrick J. Hagan

Date November 12, 2004

Deposit Account User ID

04-1406